

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GIRAFA.COM, INC.,

CASE NO. 08-02745 RMW (RS)

Plaintiff(s),

v.

ALEXA INTERNET, INC.; NIAL
O'DRISCOLL,

STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS

Defendant(s).

_____ /
Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

✓ other requested deadline Please see attached Addendum.

Dated: 08/21/2008

s/ John B. Scherling

Attorney for Plaintiff

Dated: 08/21/2008

s/ Elizabeth Day

Attorney for Defendant s

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

✓ Mediation

Private ADR

Deadline for ADR session

90 days from the date of this order.

✓ other Per attached Addendum

IT IS SO ORDERED.

Dated: _____

RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

**ADDENDUM TO STIPULATION AND [PROPOSED] ORDER
SELECTING ADR PROCESS**

In addition to the instant litigation, plaintiff and defendant also are engaged in litigation in the District of Delaware (*Girafa.com v. Amazon Web Services, LLC, et al.*, C.A. No. 07-787-SLR) and the Eastern District of Texas (*Alexa Internet, Inc. v. Girafa.com, Inc.*, No. 2:08-cv-121) ("the Texas action").

The parties presently are in ongoing global mediation discussions in the District of Delaware before Magistrate Judge Leonard P. Stark. Accordingly, the parties respectfully submit that further ADR processes in this district are not necessary at this time.